

THE LAW OFFICES OF
RICHARD MALAGIERE
A PROFESSIONAL CORPORATION
www.malagierelaw.com

Richard Malagiere
Member NJ & NY Bar
Registered Patent Attorney

250 MOONACHIE ROAD
3rd FLOOR
MOONACHIE, NJ 07074
201.440.0675
FAX: 201.440.1843

100 CHURCH STREET
SUITE 800
NEW YORK, NEW YORK 10007
212.879.5580
FAX: 212.879.5583

Giancarlo Ghione
Member NJ Bar
Michael Kahn
Registered Patent Agent
Leonard E. Seaman
Certified Civil Trial Attorney

*REPLY TO NJ OFFICE

Writer's Direct Dial: 201.509.4180
Writer's e-mail: les@malagierelaw.com

June 6, 2024

VIA CM/ECF

The Honorable José R. Almonte, U.S.M.J
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
Court Room PO 9
50 Walnut Street
Newark, New Jersey 07101

Re: LORENZO v. THE BOROUGH OF PALISADES PARK, NEW JERSEY et al.
Civil Action No.: 2:23-cv-21849-CCC-JRA

Dear Judge Almonte:

This office represents plaintiff, David Lorenzo, in the above matter.

We are in receipt of the motion filed today by defendants, the Borough of Palisades Park, Chong Paul Kim, and Suk Min to extend their time to answer plaintiff's complaint. Mr. Kim is the Borough's mayor. Mr. Min is a member of the Borough Council.

Plaintiff does not object to affording defendants additional time to answer or otherwise plead for reasons unrelated to defendants' application.

Defendants' motion refers to Mr. Lorenzo's pending state court action against the Borough and its former mayor and a potential application to consolidate that action with this case. Plaintiff's motion to amend in the state court action is

returnable tomorrow and is unopposed. With that amendment, the state court action will be limited to wage and hour claims under New Jersey state law and common law contract-based claims. Thus, we are not aware of any basis that would support removal of that action to this court to consolidate it with this one.

On the other, we believe there is another issue that the Court may want to consider which will impact the timing of defendants' anticipated *Rule 12(b)(6)* motions.

Plaintiff in this action is the former Borough Administrator of the Palisades Park. He alleges that he was wrongfully discharged from his position in retaliation for his political activities and because of his race/national origin.

On May 20, 2024, our office filed an action on behalf of the Borough's former Deputy Borough Administrator, Austin Ashley, against the defendants in this case. Like the instant matter, Mr. Ashley's claims arise from his political activity during the 2023 election cycle and racial/national origin animus expressed by some of the defendants against him.

Mr. Ashley's case (*Ashley v. Borough of Palisades Park, et al.*, Civil Action No. 2:22-cv-06285) was also assigned to Judge Cecchi and Your Honor.

Since these matters concern common issues of law and fact, we believe that their consolidation—at least for pre-trial matters—will promote judicial economy and the interests of justice.

As a result, we respectfully request that the Court address the consolidation of Mr. Ashley's case with this one and an appropriate briefing schedule for any motions to dismiss both actions during the upcoming status conference on June 24, 2024.

Respectfully,

s/ Leonard E. Seaman
LEONARD E. SEAMAN

LES/me

cc: R. Scott Fahrney , Jr., Esq. (via CM/ECF)
Roshan Shah, Esq. (via email (RShah@andersonshahlaw.com)
client (via e-mail)